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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 APPROXIMATELY \$53,965.00 U.S.
12 CURRENCY and a 2003 FORD
13 MUSTANG COBRA,
WASHINGTON LICENSE PLATE
309ZWW, VIN:
1FAFP48Y73F332371,

14 Defendants.

NO. 2:16-CV-00235-JLQ

ORDER RE: MOTION FOR ENTRY OF
FINAL ORDER OF FORFEITURE

15 BEFORE THE COURT is the Government's Motion for Entry of Final Order of
16 Forfeiture (ECF No. 49). On August 11, 2017, the Government filed a Settlement
17 Agreement (ECF No. 36) which resolved Rodney Allen Fisher, Jr.'s claims to the
18 Defendant property. On September 11, 2017, the Government obtained a Clerk's Order of
19 Default against Ray James Noel and Michael Schroder. (ECF No. 47); (ECF No. 48).
20 Local Rule 55.1 states "obtaining a default judgment in federal court is a two-step process:
21 (1) entry of default and (2) entry of default judgment. A party must first file a motion for
22 entry of default, obtain a Clerk's Order of Default, and then file a separate motion for
23 default judgment." The Government has not filed a Motion for Entry of Default Judgment
24 against Noel or Schroder. Accordingly, entry of a final order of forfeiture is premature and
25 the Motion is Denied.
26

1 **IT IS HEREBY ORDERED:**

- 2 1. The Government's Motion for Entry of Final Order of Forfeiture (ECF No.
- 3 49) is **DENIED WITHOUT PREJUDICE**.
- 4 2. The Government may renew its Motion after moving for and obtaining
- 5 default judgment against Ray James Noel and Michael Schroder.

6 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish

7 copies to counsel.

8 Dated September 13, 2017.

9 s/ Justin L. Quackenbush

10 JUSTIN L. QUACKENBUSH

11 SENIOR UNITED STATES DISTRICT JUDGE

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